UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/826,744	04/07/97	IWASAKI Y	SONY-P7325

LM61/0118

CHARLES P SAMMUT
LIMBACH & LINBACH
2001 FERRY BUILDING
SAN FRANCISCO CA 94111-4262

EXAMINER	
ONUAKU, C	

ART UNIT	PAPER NUMBER
2712	16

DATE MAILED: 01/18/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Advisory Action

Application No.	Applicant(s)
08/826,744	Iwasaki
Examiner	**Group Art Unit**
Christopher Onuaku	2712

THE PERIOD FOR RESPONSE: [check only a) or b)]

a) ☒ expires 3 months from the mailing date of the final rejection.

b) ☐ expires either three months from the mailing date of the final rejection, or on the mailing date of this Advisory Action, whichever is later. In no event, however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

☐ Appellant's Brief is due two months from the date of the Notice of Appeal filed on _____ (or within any period for response set forth above, whichever is later). See 37 CFR 1.191(d) and 37 CFR 1.192(a).

Applicant's response to the final rejection, filed on Sep 28, 1999 has been considered with the following effect, but is NOT deemed to place the application in condition for allowance:

☒ The proposed amendment(s):

☒ will be entered upon filing of a Notice of Appeal and an Appeal Brief.

☐ will not be entered because:

☐ they raise new issues that would require further consideration and/or search. (See note below).

☐ they raise the issue of new matter. (See note below).

☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.

☐ they present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: _____

☐ Applicant's response has overcome the following rejection(s):

_____

☐ Newly proposed or amended claims _____ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claims.

☐ The affidavit, exhibit or request for reconsideration has been considered but does NOT place the application in condition for allowance because:

_____

☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

☒ For purposes of Appeal, the status of the claims is as follows (see attached written explanation, if any):

Claims allowed: _____

Claims objected to: _____

Claims rejected: 1-18

☐ The proposed drawing correction filed on _____ ☐ has ☐ has not been approved by the Examiner.

☐ Note the attached Information Disclosure Statement(s), PTO-1449, Paper No(s). _____.

☒ Other *(See attached)*

Response to Arguments

1. Applicant's arguments filed 1/3/00 have been fully considered but they are not persuasive.

With reference to claim 2, applicant argues that the motivation to combine Kassatly and Windrem is improper because the motivation is not suggested by either of the references and moreover that the examiner has not pointed any deficiency in the references that would be cured by such combination. Kassatly may not have suggested examiner's motivation and the examiner may not have pointed any deficiency in the references that would be cured by such combination. However, it is not necessary that the references actually suggest, expressly or in so many words, the changes or improvements that applicant has made. The test for combining references is what the references as a whole would have suggested to one of ordinary skill in the art. In re Sheckler, 168 USPQ 716 (CCPA 1971); In re McLaughlin 170 USPQ 209 (CCPA 1971); In re Young 159 USPQ 725 (CCPA 1968).

The same response is true for claim 3.

Since applicant's argument for claims 9 and 12-13 are based on the argument for claims 2 and 3, the response for claims 2 and 3 is true for claims 9&12-13.

With reference to claim 8, applicant simply states examiner's rejection.

With reference to claim 4, applicant simply raises the argument for the examiner has given a response. The response is hereby once again repeated. Applicant's argument with respect to claims 4&14 is thoroughly addressed in the last Office Action. For clarity it is repeated. Applicant

argues that examiner's assertion that in Nakayama the control data is added to the data signals during the process of recording process is incorrect since claims 4&1 set forth that the control data is demultiplexed before the recording process, not added during the recording process. Nakayama clearly teaches that the ID data 137a to 137f (control data) are added during data processing for recording, the details of the processing of the ID data is clearly shown in Nakayama (See col.7, line 10 to col.10, line 19).When Kassatly is modified with the teaching of Nakayama, it would have been obvious that the recorded data would be reproduced before being "multiplexed" by the channel selector 50 of Kassatly.

The same response is true for claims 5, 14 and 15.

With reference to claims 6&16, applicant's argument for motivation for combining references because the references do not suggest such motivation, and the examiner has not pointed out to a deficiency in the references that might be cured by the combination, has been addressed in claim 2 response above. Moreover, applicant's argument that the proposed combination fails to teach or suggest all the claim elements is similar to the applicant's previous argument that the examiner fails to address the "components" of an "audio and/or video data recording and reproducing apparatus. The same response to that argument applies in this case, and hereby repeated. Claims 6 recites: "An audio and/or video data recording and reproducing apparatus according to claim 5 **further comprising** a plurality of audio and/or video data recording and reproducing apparatuses being connected in parallel, wherein said input data stream and said output data stream are input and output among said plurality of audio and/or video data

recording and reproducing apparatuses". The preamble of claim 6 is accommodated in the discussions of claim 1 on which claim 6 is remotely dependent. Windrem is applied to address the "further comprising" portion of claim 6. The same response is true for claim 16.

It is pertinent to point out that apart from the responses given above, the examiner still maintains examiner's responses in the previous office actions.

Conclusion

2. Any inquiry concerning this communication or earlier communications from this examiner should be directed to Christopher Onuaku whose telephone number is (703) 308-7555. The examiner can normally be reached on Tuesday to Thursday from 7:30 am to 5:00 pm. The examiner can also be reached on alternate Monday.

If attempts to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Wendy Garber, can be reached on (703) 305-4929.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-6306 and (703) 308-6296, (for formal communications intended for entry)

Or:

(703) 308-6306 and (703) 308-6296 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be direct to the Group receptionist whose telephone is (703) 305-4700.

COO

1/14/00

Wendy Garber
Supervisory Patent Examiner
Technology Center 2700